

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**CHAD MCFARLIN, individually and
on behalf of all similarly situated
persons,**

Plaintiffs,

V.

THE WORD ENTERPRISES, LLC, et al.

Defendants.

Civil Action No.: 2:16-cv-12536

Hon. Gershwin A. Drain

**[PROPOSED] ORDER GRANTING PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Before the Court is “Plaintiffs’ Motion for Partial Summary Judgment on the Issues of: (1) Individual Liability of Defendant Kevin Dittrich and (2) Defendants’ Use of Tip Credit to Satisfy Minimum Wage.” Having considered Plaintiff’s Motion and the oppositions and replies in support thereto, the arguments of Counsel, and the remainder of the record, the Court is of the opinion that Plaintiff’s Motion should be GRANTED.

The Court hereby ORDERS:

1. For purposes of the minimum wage violations alleged in this action, Defendant Kevin Dittrich is an “employer” of Plaintiff, the Rule 23 Class and the

FLSA Collective within the meaning of the Fair Labor Standards Act, 29 U.S.C. § 203(d), the Michigan Minimum Wage Law, MCL § 408.382(c), and the Michigan Workforce Opportunity Wage Act, MCL § 408.412(d).

2. For purposes of determining whether Defendants reasonably reimbursed Plaintiff, the Rule 23 Class and the FLSA Collective for vehicle expenses incurred for the employer's benefit, Defendants may not claim any reimbursement offset attributable to tips received by the drivers.

This Order does NOT dispose of all claims between the parties and is NOT a final decision for purposes of 28 U.S.C. § 1291.

SO ORDERED this ____ day of _____, 2018.

Honorable Gershwin A. Drain
United States District Judge

[Proposed] Order Prepared by:

David M. Blanchard
Blanchard & Walker PLLC
221 N. Main St. Suite 300
Ann Arbor, MI 48104
(734) 929-4313
blanchard@bwlawonline.com